

**REMARKS**

The 8/1/06 Office rejected all of the pending claims under 35 USC 103(a) as being unpatentable over Matsumoto (US Patent 6,526,285) in view of Risberg (US Patent 5,339,392). The present response amends independent claims 1, 14, and 38; following this amendment claims 1, 3, 5, 9-14, 16-17, and 38-42 are pending.

**The Independent Claims 1, 14, and 38:**

Each of the pending independent claims includes elements which are directly related to limiting the number items being tracked in the data list to a predetermined number, and informing a user as to the predetermined number, and informing the user as to the number of items presently being tracked. More specifically, each of the claims provides for limiting the number of items in the data list to a predetermined number, and each of the independent claims further requires displaying a number which indicates the running total of the number of items actually being tracked in the data list, and also displaying a number which indicates the predetermined number of items to which the data list is limited.

Pending claim 1 recites in part:

*“displaying a first number which indicates a running total of the number of items in the data list, and displaying a second number which indicates the predetermined number of items permitted in the data list;”*

Pending claim 14, recites in part:

*“wherein the personal organizer device displays a first number which indicates a running total of the number of items in the data list, and displays a second number which indicates the predetermined number of items permitted in the data list;”*

Pending claim 38, recites in part:

*displaying a first number which indicates a running total of the number of items in the data list, and displaying a second number which indicates the predetermined number of items permitted in the data list;*

It is respectfully submitted that the limiting of the data list to a predetermined number of items, in combination with displaying the predetermined number, and displaying the running total number of items being tracked provides a user information which leads to efficient use of limited communication bandwidth. As provided for in each of the independent claims the user will be able to see if the actual number of items being tracked is approaching the predetermined limit; and thus the user could adjust the content of the data list accordingly.

Reference is made to Fig. 4 of the present application which illustrates the operation of displaying the running total of the number of items, and the displaying the predetermined number of items permitted in the data list. Specifically in the example shown in Fig. 4 the running total is shown as "28" and the predetermined number of items permitted in the data list is shown as "100". Additionally, the specification of the present application at page 9, lines 1-11 provides further discussion regarding this operation. Thus, as is clear from the language of the claims, the claims provide for displaying a running total of the number of items in the data list, and this would vary depending on the number of items in the list. This number could range from zero (0) to whatever the predetermined number of items in the data list is. In the example discussed the above the displaying of the predetermined number of items would result in the displaying of the number one-hundred (100).

It is noted that the 8/1/06 Office Action (page 4 of Office Action), in connection with the previous claim language regarding displaying a running total of the number of items in the data list, and displaying the predetermined number of items permitted in the data list, suggests that the Matsumoto reference at column 26, lines 38-44 teaches this type of operation. For ease of reference, text from Matsumoto at column 26, lines 38-44 is shown below:

The first RAM 31 preferably has a memory capacity of storing more stock information data than that for an amount which the LCD device 23 can display at a time. Then, it is desirable that the LCD device 23 scroll-displays a portion specified by scroll keys 52 and 53 (or the scroll keys 33e and 33f), among the stock information data stored in the first RAM 31.

It is respectfully submitted that the above passage from Matsumoto does not appear to make any reference to displaying a number which indicates the predetermined limit for the number of items being tracked. Additionally, there appears to be no reference to displaying a number which indicates the actual running total of the number of items in the data list which is

maintained in the personal organizer device. It is respectfully submitted that nothing in Matsumoto appears to discuss such an operation as recited by the claims. Indeed instead of limiting the number of items being tracked in a data list maintained in the device, and displaying a number which indicates the predetermined limit, and a number which indicates the running total of items, Matsumoto appears to suggest that if the stock information desired exceeds that amount of memory in device, then more information is simply pulled from remote data servers.

For example, Matsumoto states:

If the portion scroll-specified by the scroll keys 52 and 53 (or, the scroll keys 33e and 33f) exceeds a range of the stock information data stored in the first RAM 31, an information request instruction to request the stock information data including the stock information data in the exceeded range may be transmitted instead of the code, from the portable telephone apparatus 101 to the data server 301, and then the stock information data in the exceeded range may be read in from the database 302a, 302b, . . . through the public line network 201, to thereby display it on the LCD device 23.

Matsumoto col. 26, lines 52-61. The above text from Matsumoto is but one example where Matsumoto appears to suggest that the device will operate to almost seamlessly request information from remote data servers, and no effort is made to provide for displaying a number indicating predetermined limit number of items in a data list, and displaying a number indicating a running total items actually being tracked in a data list. Thus, it is respectfully submitted that the operation of the Matsumoto does not appear to provide the operation recited by the pending claims; and in fact it appears, that in many respects Matsumoto teaches away from the operation present claims, in that there does not appear to be any information displayed on the Matsumoto device which would encourage efficient utilization of communication bandwidth between the user device and the remote data servers.

It is also noted that other passages from Matsumoto appear to further distinguish it operation from that recited in the pending claims. For example, Matsumoto recites in part:

For example, although the stock information data about all companies belonging to one industry division is requested, if a memory capacity of the first RAM 31 has only enough space for the stock information data of approximate half of the companies, the approximate half of the requested stock information data is transmitted at first. Then, after an information request

instruction based on the scroll operation of the user or the like is transmitted from the portable telephone apparatus 101, the remaining half of the data is transmitted.

Matsumoto col. 26: lines 1-10. This operation further suggests that Matsumoto takes a very different approach from that recited in the presently pending claims, in that Matsumoto provides an operation where there is no maintained data list with a predetermined limit number, and rather the requested information is simply cycled through the RAM of the device, and the user is not presented with number indicating a predetermined limit number, and a number indicating a running total of items being tracked so as to provide the user with information that allows the device to provide for efficient operation. Given this operation of Matsumoto, there would appear to be no reason to provide for the type of operation which is recited by the presently pending claims, where elements of the present claims are directed to among other things providing for efficient use of communication bandwidth.

In addition to the operation of the data list, and the predetermined limit number for the data list, and the displaying the limit number and the displaying of the running total, the independent claims provide for the use of multiple user tags such that items being tracked in the data list can be included in multiple different user defined categories of items. It is respectfully submitted that the unique combination of elements corresponding to each of the independent claims 1, 14, and 30 provides for (1) providing a data list (2) limiting the number of items to a predetermined number of items (3) providing multiple user tags so that an item being tracked will be displayed in multiple sublists (4) displaying a number indicating the running total of the number of items being tracked, and (5) displaying a number indicating the predetermined number which limits the total number of items which can be tracked in the data list. This combination of elements is very different than anything disclosed in, or suggested by, any of the references.

A review of the Risberg reference appears to show no operation which suggests displaying a limit number and a running total of items. Risberg appears to be directed the operation of interlinked complex systems operating with many variables having values which vary in real time; and the real time data value changes are shown in active documents on a video display. See e.g. Risberg, col. 1, lines 31-40. The passages from Risberg cited in the Office Action appear to refer to operations which allow a user to control the look of an active document

displayed on a video monitor. However, it is respectfully submitted that nothing in these passages suggest maintaining a data list limited to a predetermined number and displaying a number indicating a predetermined limit, and a displaying a number indicating running total of items. Additionally, the operation of the providing user defined category tags so that different items being tracked in a data list can be included in multiple sublists, is respectfully submitted to be an operation which provides for efficient utilization of resource where a user device has potentially significant limitations in memory, and communication bandwidth. This type of limited resource device does not appear to be present in Risberg, thus there would appear to be no motivation to provide for the user tag type operation as recited in the presently pending claims. Indeed the focus on using real time information in Risberg could appear to further counsel away from the user defined tags as recited in the claims.

The teaching of Matsumoto is that one would simply purge the memory of the device when the user requests more information than can be stored in the device's memory, and then replace the purged memory with additional newly acquired information for different items which a user seeks information on. It is respectfully submitted that the teaching of Risberg, appears to provide no teaching which would suggest that Matsumoto fundamental operation should be altered to provide for displaying a predetermined limit number and a running total of items being tracked.

Additionally, it is respectfully submitted that the systems of Risberg and Matsumoto appear to have little in common other than the fact that both deal with providing financial information. The Matsumoto reference appears to deal largely with portable handheld device for use by remote individual users, and in contrast the Risberg references appears to deal with a complex computer system for use in an environment such as a trading floor for a brokerage business. See e.g. col. 2, lines 45-55. However, even if one were to assume *arguendo* that there was some motivation to combine the references, the present claims would still be nonobvious and patentable. In that neither reference discloses or suggests an operation which provides for displaying a number which indicates the running total of items being tracked, and a number which indicates a predetermined limit number.

In addition to the above points it is noted that the Office Action recognizes that Matsumoto fails to teach user defined category tags as recited by the claims. Office Action, p. 5. The Office Action goes on to cite numerous passages from the Risberg reference to overcome

this deficiency in Matsumoto. For example, the Office Action refers to the Abstract and col. 26, lines 51-68, and col. 2: lines 27-55, and col. 3, lines 32-49 of Risberg for teaching regarding a user defined video display document. A careful review of these passages from Risberg, appears to show that Risberg is providing for a system where a user can control the “look” (see Risberg, Abstract) of an active document displayed on a video monitor. These passages from Risberg show that a user can provide for different colors, font, and background in the display. Additionally, a user can provide for different annotation in an active document etc. However, there appears to be no teaching of user defined category tags, where an item in a data list is provided with at least two tags, and then the user defined tags are used to control the content of different sublists derived from the maintained data list.

It is also noted that the Office Action (page 7) refers to col. 12, lines 32-45 of Risberg as teaching the use of different learning agents that can generate reports regarding tracking users income, and investments etc. It is respectfully submitted that a careful review of this cited text from Risberg does not appear to refer to such an agent, nor does this teaching appear to be elsewhere in the Risberg reference. Additionally, col. 4, lines 27-40 of Risberg are cited in the Office Action as referring to among other things monitoring stock purchases, but it is respectfully submitted that this passage in Risberg actually deals with aspects of providing different menus to users. It is respectfully submitted, however, that even if such teaching was provided in Risberg, it would still not provide for the teaching of user defined category tags as recited in the pending claims.

In light of the above it is respectfully submitted that independent claim 1 is patentable over the references, and it is further submitted that claims 3, 5, and 9-13 which depend from claim 1 are patentable for at least the same reasons as claim 1.

Additionally, in light of the above discussion it is respectfully submitted that independent claim 14 is patentable over the references, and it is further submitted that claims 16-17 which depend from claim 14 are patentable for at least the same reasons as claim 14.

Further, in light of the above discussion it is respectfully submitted that independent claim 38 is patentable over the references, and it is further submitted that claims 39-42 which depend from claim 38 are patentable for at least the same reasons as claim 38.

## **CONCLUSION**

For the reasons set forth above, it is believed that all claims present in this application are patentably distinguished over the references. Therefore, reconsideration is respectfully requested, and it is requested that this application be passed to allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2001 under Order No. SCHB-3200. **A duplicate copy of the transmittal cover sheet attached to this Response is provided.**

Respectfully submitted,

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